

U.S. Patent Application Serial No. 10/566,085
Response filed February 25, 2010
Reply to OA dated November 2, 2009

AMENDMENTS TO THE CLAIMS:

Please cancel claims 7, 8, 15 and 18 without prejudice or disclaimer, and amend claims 3, 4 and 6, as follows. This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-2 (Canceled).

Claim 3 (Currently amended): A biologically pure culture of *Lactobacillus casei* strain FERM BP-10059 (FERM P-19443).

Claim 4 (Currently amended): A lactobacillus preparation comprising:
freeze-dried bacterial cells or wet bacterial cells of the biologically pure culture of the *Lactobacillus casei* strain according to claim 3; and
a preservative.

Claim 5 (Canceled).

Claim 6 (Currently amended): A preventative or therapeutic agent against infections in humans, animals and plants comprising:

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purified bacterial cells or freeze-dried cells of the biologically pure culture of the
Lactobacillus casei strain of claim 3; and
an antibiotic.

Claims 7-20 (Canceled).